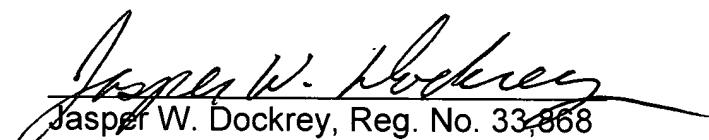


skilled in the art would provide such a process and how the process would function. Accordingly, the alleged distinction does not even relate to a difference between the claims of Groups I and II.

The applicants further note that reliance on the MPEP is justified only to the extent that it is not in conflict with regulations and official interpretation of statutes. *Litton Systems, Inc. v. Whirlpool Corp.*, 221 U.S.P.Q. 97, 107 (Fed. Cir. 1984). The Code of Federal Regulations conditions a restriction requirement on the presence of two or more independent *and distinct* inventions. 37 C.F.R. § 1.142. Section 806.05(f) of the MPEP, however, only addresses one aspect of the basis for a restriction requirement. Accordingly, the applicants respectfully assert that, since the MPEP is in direct conflict with 37 CFR § 1.142, it is not authoritative regarding the appropriateness of the instant restriction requirement.

Respectfully submitted,


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